NEW MEXICO
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RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

Certified Mail – Return Receipt Requested

April 1, 2015

Mr. Patrick Peck, Director
South Central Solid Waste Authority
Post Office Box 1530
Fairacres, New Mexico 88033

RE: South Central Solid Waste Authority; Industrial Multi-Sector General Permit; SIC 5093; Sector N; NPDES Compliance Evaluation Inspection; NPDES Permit No. NMU001892; March 25, 2015

Dear Mr. Peck:

Enclosed please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at this facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with the federal Clean Water Act (CWA).

Problems noted during this inspection are listed in the attached inspection report. You are encouraged to review the inspection report, required to correct any issues noted during the inspection. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see above address) in writing within 30 days from the date of this letter. Further, notify in writing both USEPA and NMED regarding compliance issues at the address below:

Racquel Douglas
US Environmental Protection Agency, Region VI
Enforcement Branch (6EN-WM)
Fountain Place
1445 Ross Avenue
Dallas, Texas 75202-2733

Bruce Yurdin
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

If you have any further questions regarding this inspection report, please contact Sandra Gabaldón at (505) 827-1041 or at sandra.gabaldon@state.nm.us

Sincerely,

/s/ Bruce J. Yurdin

Bruce J. Yurdin
Program Manager
Point Source Regulation Section
Surface Water Quality Bureau

Cc: Rashida Bowlin, USEPA (6EN-AS) by e-mail
Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
Racquel Douglas, USEPA (6EN-WM) by e-mail
Brent Larson, USEPA (6EN-PP) by e-mail
Gladys Gooden-Jackson, USEPA (6EN-WC) by e-mail
Michael Kesler, Acting NMED District III Manager, by e-mail

EPA	Form Approved OMB No. 2040-0003 Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code		NPDES	yr/mo/day	Inspec. Type	Inspector	Fac Type
1 N	2 5	3 N M U 0 0 1 8 9 2 11	12 1 5 0 3 2 5 17	18 ~	19 S	20 2

S C R A P A N D W A S T E M A T E R I A L S

Inspection Work Days	Facility Evaluation Rating	BI	QA	----------Reserved----------
67 _ _ 1 69	70 3	71 N	72 N	73 _ _ 74 75 _ _ _ _ _ _ 80

Section B: Facility Data

Name and Location of Facility Inspected *(For industrial users discharging to POTW, also include POTW name and NPDES permit number)*	Entry Time /Date	Permit Effective Date
South Central Solid Waste Authority **2855 West Amador Avenue** **Las Cruces, NM 88005** **DONA ANA COUNTY**	1200 Hours / March 25, 2015	September 29, 2008
	Exit Time/Date 1300Hours / March 25, 2015	Permit Expiration Date September 29, 2013

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data
Oscar Barrientos, Foreman / (575) 528-3588 / obarrientos@las-cruces.org Patrick L. Peck, Director / (575) 528-3800 / ppeck@las-cruces.org	32°17'42.41" N -106°48'53.99' W SIC – 5093 Scrap and Waste Materials NAICS – 425120
Name, Address of Responsible Official/Title/Phone and Fax Number Patrick Peck, Director / (575) 528-3800 / (575)528-3582 / (575) 642-1549 (cell) South Central Solid Waste Authority Post Office Box 1530 Fairacres, New Mexico 88033 Contacted: Yes [*] No [ ]	

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	**Permit**	N	**Flow Measurement**	N	**Operations & Maintenance**	N	**CSO/SSO**
N	**Records/Reports**	N	**Self-Monitoring Program**	N	**Sludge Handling/Disposal**	N	**Pollution Prevention**
N	**Facility Site Review**	N	**Compliance Schedules**	N	**Pretreatment**	N	**Multimedia**
N	**Effluent/Receiving Waters**	N	**Laboratory**	U	**Storm Water**	N	**Other:**

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

The South Central Solid Waste Authority did not obtain permit coverage when the permit was active (2008-2013).

The MSGP has expired (September 29, 2013). However, this does not alleviate the facility from obtaining coverage when the new MSGP is issued. The new permit may be issued as soon as June 2015. This facility should acquaint themselves with the requirements of the MSGP. This includes the Stormwater Pollution Prevention Plan (SWPPP) and submittal of the eNOI (electronic Notice of Intent).

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Name(s) and Signature(s) of Inspector(s)	**Agency/Office/Telephone/Fax**	**Date**
Sandra Gabaldon /s/ Sandra Gabaldon	**NMED/SWQB/(505) 827-1041/(505) 827-0610**	**April 2, 2015**
Signature of Management QA Reviewer **//s/ Michelle Lemon** **Michelle Lemon, Municipal Team Lead**	**Agency/Office/Phone and Fax Numbers** **NMED/SWQB/(505) 827-2819/(505) 827-0610**	**Date** **April 2, 2015**

South Central Solid Waste Authority
NPDES Permit No. NMU001892
Multi-Sector General Permit (Industrial Stormwater)
Inspection Date: March 25, 2015

Further Explanations

Introduction:

On March 25, 2015, a Compliance Evaluation Inspection (CEI) was conducted at South Central Solid Waste Authority, 2855 West Amador Avenue, in Dona Ana County, Las Cruces, New Mexico, by Ms. Sandra Gabaldón of the New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB).

The purpose of this inspection was to document the facility's status regarding the National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater discharges associated with industrial activity under 40 Code of Federal Regulations (CFR) 122.26 (b)(14)(vi) and the industrial stormwater Multi-Sector General Permit (MSGP).

Upon arrival, Ms. Gabaldón made introductions and stated the purpose of the inspection to Mr. Oscar Barrientos, Foreman, who advised Ms. Gabaldón that the Director, Mr. Peck would be the individual to speak to about any permit issues. Mr. Barrientos accompanied Ms. Gabaldón to Mr. Peck's office. Ms. Gabaldón presented her credentials to both Mr. Barrientos and Mr. Peck and explained the regulations under the NPDES permitting program.

Mr. Peck was made aware of the requirements of the Multi-Sector General Permit, Sector N, Scrap and Waste Recycling, SIC code 5093. Mr. Peck stated that he was working with a consultant regarding another permit and would talk to the consultant about this facility as well. Mr. Peck was unaware that he was required to have MSGP coverage.

As explained, storm water discharge associated with industrial activity means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to *the scrap recycling and waste recycling industry which reclaims processes and/or provides wholesale distribution of a diversity of materials and products.*

Clean Water Act (CWA) Industrial Stormwater Permit Requirements:

Section 301 (a) of the Federal Water Pollution Control Act states: *"Except as in compliance with this section and section 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."*

Federal regulations in 40 CFR Part 122.21(a) Duty to Apply (1) states: *"Any person who discharges or proposes to discharge pollutants…must submit a complete application to the Director in accordance with this section and part 124 of this chapter."*

EPA's first MSGP for stormwater discharges associated with industrial activity was issued on September 29, 1995, and has since been reissued in 2000 and 2008. The 2008 MSGP expired at midnight on September 29, 2013. The Federal Register notice announcing the proposed reissuance of the MSGP was published on September 27, 2013. Because of this timing, the new MSGP was not finalized prior to the expiration of the 2008 MSGP. Facilities that obtained coverage under the 2008 MSGP prior to its expiration were automatically granted an administrative continuance of permit coverage; the administrative continuance will remain in effect until a new permit is issued. Therefore, facilities already covered under the 2008 MSGP are not required to submit a new Notice of Intent (NOI) for permit coverage until the new MSGP is issued, and these facilities must continue to comply with all of the requirements in the 2008 permit, including requirements for monitoring and reporting.

Until the new MSGP is issued, "*new*" facilities *(i.e.,* those facilities not covered under the 2008 MSGP) that *begin discharging industrial stormwater after September 29, 2013 or were in operation prior to 2013 and did not obtain coverage under the 2008MSGP* are unable to file an NOI for general permit coverage. The No Action Assurance (NAAs) Memorandum dated March 27, 2014 covered these *newly-discharging* facilities, provided that these facilities: (1) meet the 2008 MSGP eligibility criteria; (2) notify the appropriate EPA permitting authority of their operator status and their intention to operate in accordance with the 2008 MSGP; and (3) comply with all requirements of the 2008 MSGP, including, but not limited to, stormwater pollution prevention plan (SWPPP) development and implementation and proper installation and maintenance of best management practices.

An industrial stormwater fact sheet for Sector N: Scrap recycling and waste recycling facilities, including a summary of typical pollutants associated with activities and types of stormwater control measures (Best Management Practices - BMPs) used to minimize the discharge of those pollutants is available at USEPA's website:
http://water.epa.gov/polwaste/npdes/stormwater/upload/sector_n_scraprecycling.pdf

Scrap Recycling and Waste Recycling Facilities – Sector N:

On November 16, 1990 (55 FR 47990), EPA promulgated the regulatory definition of "stormwater discharges associated with industrial activity." This definition included point source discharges of stormwater from 11 major categories of facilities including: Facilities under Standard Industrial Classifications 5093.

Typical recyclable materials include ferrous and nonferrous metals, paper, cardboard, animal hides, glass and plastic. Inbound recyclable materials are processed onsite in order to achieve a uniform grade product that meets a particular manufacturer's specifications. A significant inventory of processing equipment is frequently required to process recyclable waste material into a uniform grade. Processing equipment typically employs enormous physical forces such as shearing, shredding, and compacting in the process of eventually achieving a desired uniform grade.

There are at least four types of activities that are common to most scrap and waste recycling facilities. They include: Scrap waste material stockpiling, material processing, segregating processed material into uniform grades, and collecting non-recyclable materials for disposal.

Possible pollutants associated with Sector N materials include:

Significant materials	Potential sources	Pollutants of concern
White goods (appliances)	Leaking oil-filled capacitors, ballasts, leaking compressors, pumps, leaking pressure vessels, reservoirs, sealed electrical compo- nents and chipped or deteriorated painted surfaces.	PCBs, oil, lubricants, paint pigments or additives such as lead, and other heavy metals.
Ferrous and nonferrous turnings and cuttings ...	Cutting oil residue, metallic fines	Oil, heavy metals.
Materials from demolition projects	Deteriorated/damaged insulation, chipped painted surfaces, lead, copper, and steel pipes.	Asbestos fibers, lead, copper, zinc, cadmium, other metals, TKN.
Electrical components, transformers, switch gear, mercury float switches, sensors.	Leaking oil-filled transformer casings, oil-filled switch, float switches, radioactive materials in gauges, sensors.	PCBs, oils, mercury, ionizing radioactive isotopes.
Fluorescent lights, light fixtures	Leaking ballasts	PCBs, oil.
Food/beverage dispensing equipment	Leaking fluorescent light ballasts, chipped painted surfaces.	PCBs, oil, heavy metals from paint pigments and additives.
Hospital and dental waste and equipment	Drums/containers of hospital waste, shielding from diagnostic and other medical equip- ment, radioactive materials from gauges, sensors and diagnostic equipment.	Infectious/bacterial contamination, lead, ionizing radioactive isotopes.
Instruments	Radioactive material from thickness gages	Ionizing radioactive isotopes.
Insulated wire	Insulation and other coatings, wire	Lead, zinc, copper.
Lawnmowers, snowmobiles, motorcycles	Leaking engines, transmissions, fuel, oil reservoirs,leaking batteries.	Oils, transmission and brake fluids, fuel, grease, battery acid, lead acid.
Light gage materials	Deteriorating insulation, painted surfaces and other coatings.	Asbestos, lead, chromium.
Locomotives, rail cars	Leaking fuel reservoirs, fittings, hydraulic components, engines, bearings, compres- sors, oil reservoirs, worn brake pads, dam- aged insulation.	PCBs, diesel fuel, hydraulic oil, oil, brake fluid, grease from fittings, asbestos.
Motor vehicle bodies, engines, transmissions, exhaust systems.	Leaking fuel tanks, oil reservoirs, transmission housings, brake fluid reservoir and lines, brake cylinders, shock absorber casing, en- gine coolant, wheel weights, leaking battery casings/housings and corroded tenninals, painted surfaces and corrosion inhibitors, exhaust system, catalytic converters.	Fuel, benzene, oil, hydraulic oil, transmission fluids, brake fluids, ethylene glycol (antifreeze), lead, lead acid, lead oxides, cadmium, zinc, other heavy metals.
Miscellaneous machinery and obsolete equipment.	Leaking reservoirs, damaged or chipped painted surfaces/coatings.	Fuel, oil, lubricants, lead, cadmium, zinc.
Pipes/materials from chemical and industrial plants.	Chemical residue, insulation, lead piping, chipped or damaged painted surfaces and protective coatings.	Chemical residue, oil, lubricants, damaged insulation (asbestos), lead, cadmium, zinc, copper.
Sealed containers, hydraulic cylinders	Leaking liquid reservoirs, containers, cyl- inders, miscellaneous chemicals.	Oil, PCBs, solvents, chemical residue.
Salvaged construction materials	Chemical residues, oils, solvents, lubricants, damaged insulation, chipped painted sur- faces and protective coatings.	Chemical residue, oily wastes, asbestos, lead, cadmium, zinc.
Tanks,containers, vessels, cans, drums	Leaking or damaged containers	Chemical residue, oily wastes, petroleum products, heating oil.
Transformers (oil filled)	Leaking transformer housings	PCBs, oil.

Findings:

- The facility did not apply for permit coverage prior to the permit expiring in September 29, 2013. The MSGP permit has been issued since 1995 (the last issuance was in 2008).
- Mr. Peck stated permit coverage will be sought when an active permit is issued (which may be as soon as June 2015).